

REMARKS

Upon entry of the present response, no claims will have been canceled, amended or added. Accordingly, claims 11-21 remain pending in the present application and the rejection asserted by the Examiner against claims 11-21 is respectfully traversed.

Before addressing the merits of the outstanding Official Action, Applicants note with appreciation the Examiner's acknowledgment of their claim for foreign priority under 35 U.S.C. § 119. However, the Examiner indicated that none of the certified copies of the priority document has been received. This is not exactly accurate.

While a copy of the certified copy of the priority document has not been submitted in the present application, a copy thereof was filed in parent Application No. 08/930,614. Accordingly, Applicants respectfully request that the Examiner complete the record in the present application by indicating that a certified copy of the priority document, upon which the present application relies for an effective filing date under 35 U.S.C. § 119 have been received in U.S. Application No. 08/930,614 (now U.S. Patent No. 6,088,125).

Turning now to the outstanding Official Action on the merits, Applicants note that the Examiner rejected claims 11-21 under 35 U.S.C. § 102(b) as being anticipated by ASANO (U.S. Patent Application Publication No. 2002/0150124). Applicants respectfully traverse the above rejection and submit that it is inappropriate with respect to the present application.

In particular, Applicants note that ASANO was published on October 17, 2002, and was filed in the United States on April 5, 2002. However, the present application, although it was filed in the U.S. Patent and Trademark Office on March 16, 2004, enjoys the benefit of an earlier filing date. In particular, the present application enjoys the benefit of a filing date of U.S.

Application No. 08/930,614, filed on October 14, 1997, through U.S. Application No. 09/476,326 and U.S. Application No. 09/978,033.

Accordingly, Applicants respectfully submit that the disclosure of ASANO is not available against the claims of the present application under any subsection of 35 U.S.C. § 102, and certainly not under 35 U.S.C. § 102(b). Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application.

Additionally, Applicants wish to make of record a telephone interview conducted between Applicants' undersigned representative and Examiner Grant who is in charge of the present application. During the above-noted interview, Applicants' representative brought to the Examiner's attention the non-availability of the ASANO disclosure against the claims of the present application. The Examiner reviewed the effective filing date to which the present application is entitled and agreed with Applicants' representative that ASANO is not available as a prior art reference with respect thereto. The Examiner indicated that he would, upon receipt of Applicants' written response to the outstanding Official Action, conduct a further search of the prior art relevant to the present invention and should he find no appropriate art, indicated that he would allow the present application.

The Examiner is respectfully thanked for his cooperation and courtesy exhibited during the above-noted interview both with respect to the scheduling as well as with respect to the conduct thereof. The Examiner is further thanked for his open-mindedness approach towards Applicants' position and for his positive response to Applicants' arguments. Applicants respectfully request that the Examiner conduct an appropriate update search and take whatever action is appropriate in the present application based upon the results of the update search.

Accordingly, Applicants submit that the disclosure of the reference relied upon by the Examiner is not available as a reference against the claims in the present application and, thus, submit that the outstanding rejection should be withdrawn.

By traversing the Examiner's rejection by showing the non-availability of the ASANO disclosure with respect to the claims in the present application, Applicants do not in any manner acquiesce in the relevance of the disclosure of ASANO in the absence of the non-availability thereof. Rather, Applicants are merely eliminating the availability of the reference because that is the most expeditious manner to obtain the allowance of the present application.

Moreover, Applicants expressly disclaim any arguments regarding prior art made in any of the parent applications.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims 11-21 pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

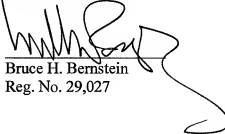
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have traversed the Examiner's rejection and provided evidence that the reference relied upon by the Examiner is not available against the claims of the present application. Applicants have additionally made of record a telephone interview conducted in the present application between Applicants' undersigned representative and the Examiner in charge of the present application.

Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Kumi OKADA et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line. A long, sweeping tail extends from the signature towards the right margin.

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April 23, 2007  
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